

**Federal Defenders
OF NEW YORK, INC.**

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December 19, 2021

By ECF and Email

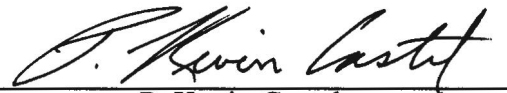
Honorable P. Kevin Castel
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

The Court will conduct an arraignment and bail review at 3 PM
in Courtroom 11D on Tuesday December 21, 2021.

SO ORDERED.

Dated: New York, New York
December 20, 2021

**Re: United States v. Carlos Gomez
21 Cr. 759 (PKC)**


P. Kevin Castel
United States District Judge

Dear Judge Castel,

I write on behalf of Carlos Gomez, who was arrested on November 23, 2021. He was presented the next day before Magistrate Judge Stewart Aaron, who heard bail arguments and ultimately detained Mr. Gomez. See Dkt. No. 3. Mr. Gomez was indicted on December 14 and assigned to Your Honor. See Dkt. No. 7. The parties corresponded with Your Honor's Chambers and understand Mr. Gomez's arraignment was referred to the Magistrate Court. We are scheduled to appear in Magistrate Court on Tuesday, December 21, 2021 at 12:15 pm.

I write to request that the Court also refer a bail application to the Magistrate Judge, to take place at the same date and time as the arraignment. The government, by Assistant United States Attorney Kevin Mead opposes this request.

There are new facts now available to both parties that were not available before Judge Aaron. Specifically, at presentment, Pretrial Services reported that Mr. Gomez was "currently under removal proceedings" with Immigration and Customs Enforcement (ICE). Since then, however, undersigned counsel has learned that this material fact was inaccurate: there are no removal proceedings currently pending against Mr. Gomez. Instead, Mr. Gomez is under ICE-supervision while he has an immigration application pending. Given that the fact of the removal proceeding was central to Judge Aaron's decision regarding bail, the defense thinks it is appropriate to reopen the bail hearing. See 18 U.S.C. § 3142(f) ("The hearing may be reopened, before or after a determination by the judicial officer, at any time before trial if the judicial officer finds that information exists that was not known to the movant at the time of the hearing and that has a material bearing on the issue [of bail]."). Moreover, other factors weigh in favor of bail being set, including Mr. Gomez's having no criminal record, and the offer of a robust bail package. We ask that the Court permit us to make these arguments before the holidays, at Tuesday's arraignment before the Magistrate Judge.

Thank you for your consideration.

Respectfully submitted,
/s/
Sylvie Levine
Counsel for Mr. Gomez